

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CITIZENS IN CHARGE, MICHAEL
GROENE, and DONALD SLUTI,

Plaintiffs,

LIBERTARIAN PARTY OF NEBRASKA and
LIBERTARIAN NATIONAL COMMITTEE,

Plaintiff-Intervenors,

V.

JOHN A. GALE, in his official capacity as
Secretary of State of the State of Nebraska,

Defendant.

Case No.: 4:09-cv-03255-JFB-TDT

STIPULATION

The above-named Plaintiffs, Plaintiff-Intervenors, and Defendant, through their undersigned counsel, hereby agree and stipulate as follows:

On August 30, 2011, the U.S. District Court for the District of Nebraska (hereafter “the Court”) issued a Memorandum and Order (Filing No. 111) (hereafter “Order”) and a Judgment (Filing No. 112) in favor of Plaintiffs and Plaintiff-Intervenors (jointly, “Plaintiffs”) and against the Defendant on the Plaintiffs’ claim that Neb. Rev. Stat. § 32-629(2) violates the First and Fourteenth Amendments of the U.S. Constitution. The Court simultaneously entered a permanent injunction against the enforcement of the statute.

In its Order, the Court directed Plaintiffs, as prevailing parties, to file a motion detailing attorneys fees and costs. On September 20, 2011, Plaintiffs filed a Motion for Attorneys' Fees and Expenses (Filing No. 114), and thirteen declarations and a brief in support of thereof (Filing No. 114, Attach. 1 to 13; Filing No. 115). Plaintiffs sought \$278,961.25 in attorneys' fees for the

merits litigation, \$7113.80 for expenses for the merits litigation, and \$16,918.25 for fees for the attorneys' fees application—a total of \$302,993.30.

Counsel for the Parties thereafter met to discuss a compromise and settlement of the fee amount. An agreement was subsequently reached between the Parties, which is hereby set forth and stipulated to as follows:

1. An award of attorneys fees and costs shall be made jointly to the Plaintiffs in the amount of \$275,000.
2. Plaintiffs agree that the above referenced award shall constitute the full and final satisfaction of any and all claims for attorney fees and costs related to this matter and incurred by Plaintiffs as of the date of this Stipulation.
3. Plaintiffs agree to waive any claim for fees or costs associated with this matter incurred as of the date of this Stipulation beyond the award contemplated herein.
4. Plaintiffs agree to waive all pre- and post-judgment interest that may be recoverable as a result of the judgment in favor of the Plaintiffs, provided the above agreed fees and costs are paid on or before May 15, 2012.
5. Defendant agrees to use his best efforts to ensure the agreed attorney fees and costs are approved by the Claims Board and the Nebraska Legislature, and are paid to the Plaintiffs on or before May 15, 2012.
6. Plaintiffs expressly reserve the right to litigate attorney fees and costs in this case, in the event that the agreed attorney fees and costs are not paid to the Plaintiffs on or before May 15, 2012.

7. Payment of the attorney fees and costs shall be made payable to the American Civil Liberties Union (“ACLU”) Foundation, Inc. for distribution as agreed to by the ACLU Foundation and the ACLU of Nebraska Foundation.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 17, 2011, I electronically filed the foregoing Stipulation with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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